

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Donald Knight,)	C.A. No. 4:07-0254-TLW-TER
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Donald Bauknecht, Warden,)	
)	
Respondent.)	
)	

This action was filed by the petitioner, proceeding *pro se*, pursuant to 28 U.S.C. § 2241. (Doc. # 1). The respondents filed a return and motion for summary judgment on June 15, 2007. (Docs. # 6). As the petitioner was proceeding *pro se* at that time, an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) was issued advising the petitioner of the importance of a motion for summary judgment. (Doc. # 7). Petitioner was specifically advised that if he failed to respond adequately, the respondents' motion may be granted, thereby ending his case. Id. Petitioner filed a response on June 29, 2007 (Doc. # 9).

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). On February 4, 2008, the Magistrate Judge Rogers issued a Report and Recommendation in this case recommending that the petition be dismissed as moot, as petitioner has received his requested relief in that he has been released from incarceration. The Report further recommends that the

respondents' motion for summary judgment likewise be deemed moot. No objections have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Amended Report is **ACCEPTED** (Doc. # 14), and this petition is **DISMISSED as MOOT** (Doc. # 1), as petitioner has received his requested relief in that he has been released from incarceration. Respondents' motion for summary judgment likewise is deemed **MOOT** (Doc. # 6).

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 22, 2008
Florence, South Carolina